



Selendy|Gay

January 10, 2025

**Via ECF and E-mail**

Hon. Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

**MEMO ENDORSED**

**Re: *In re Tether and Bitfinex Crypto Asset Litigation*, 19-CV-09236 (KPF) –  
Letter Motion to File Motion for Class Certification and Accompanying  
Declaration Under Seal**

Dear Judge Failla,

We represent Plaintiffs in the above-referenced action. Pursuant to Rule 9 of this Court's Individual Rules of Practice in Civil Cases, we write to request permission to file Plaintiffs' January 10, 2025 Motion for Class Certification ("Plaintiffs' Motion") and the supporting declaration of Andrew R. Dunlap, and the exhibits attached thereto ("Declaration"), under temporary seal, to give Defendants an opportunity to request appropriate redactions.

Plaintiffs' Motion and the accompanying Declaration contain information that has been designated as Confidential or Attorneys' Eyes Only by Defendants pursuant to the operative Stipulation and Order for the Production and Exchange of Confidential Materials. *See* Dkt. 151. Plaintiffs take no position as to Defendants' characterization of that information as Confidential or Attorneys' Eyes Only for the limited purposes of this filing.

Plaintiffs recognize that confidential business interests must be weighed against the strong presumption of public access to the Courts. *Video Software Dealers Ass'n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 26 (2d Cir. 1994). Plaintiffs therefore respectfully request permission to file unsealed copies of Plaintiffs' Motion and the Declaration on January 31, 2025, subject to redactions proposed by Defendants and redactions to comply with this Court's prior orders. *See* Dkts. 195, 215, 544.

Hon. Katherine Polk Failla  
January 10, 2025

Respectfully submitted,

/s/ Andrew R. Dunlap

Philippe Z. Selendy  
Andrew R. Dunlap  
Oscar Shine  
Laura M. King  
SELENDY GAY PLLC  
1290 Sixth Avenue  
New York, NY 10104  
pselendy@selendygay.com  
adunlap@selendygay.com  
oshine@selendygay.com  
lking@selendygay.com

/s/ Todd M. Schneider

Todd M. Schneider (*pro hac vice*)  
Matthew S. Weiler (*pro hac vice*)  
Schneider Wallace Cottrell Konecky LLP  
2000 Powell Street, Suite 1400  
Emeryville, CA 94608  
tschneider@schneiderwallace.com  
mweiler@schneiderwallace.com

*Interim Lead Counsel and Attorneys for  
Plaintiffs and the Proposed Class*

cc: All Counsel of Record (via ECF)

Application GRANTED. The Clerk of Court is directed to maintain docket entries 586 and 587 under seal, viewable to the Court and the parties only.

The Clerk of Court is further directed to terminate the pending motion at docket entry 584.

Dated: January 13, 2025  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE